



# UNITED STATES PATENT AND TRADEMARK OFFICE

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/282,893	03/31/1999	DARYL C. CROMER	RP9-99-005	9241
47052	7590	02/15/2005	EXAMINER	
SAWYER LAW GROUP LLP PO BOX 51418 PALO ALTO, CA 94303			CUMMING, WILLIAM D	
			ART UNIT	PAPER NUMBER
			2683	

DATE MAILED: 02/15/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 09/282,893	<b>Applicant(s)</b> CROMER, ET AL	
	<b>Examiner</b> WILLIAM D CUMMING	<b>Art Unit</b> 2683	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 24 January 2005.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on January 24, 2005 has been entered.

2. All claims are drawn to the same invention claimed in the application prior to the entry of the submission under 37 CFR 1.114 and could have been finally rejected on the grounds and art of record in the next Office action if they had been entered in the application prior to entry under 37 CFR 1.114. Accordingly, **THIS ACTION IS MADE FINAL** even though it is a first action after the filing of a request for continued examination and the submission under 37 CFR 1.114. See MPEP § 706.07(b). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

3. A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

***Claim Rejections - 35 USC § 103***

4. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

5. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

6. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

7. Claims 1, 2, and 5-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Hertel** in view of **Cotichini, et al** and **Klein** as stated in paragraph 3 of the Office action stated August 24, 2004.

8. Claims 3 and 4 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Hertel** in view of **Cotichini, et al** and **Klein** as applied to claim 1 above, and further in view of **Isikoff** as stated in paragraph 4 of the Office action stated August 24, 2004.

### ***Response to Amendment***

#### **9. Elimination of Post Office Box in Arlington, Virginia for Patent Related Correspondence**

Effective immediately, the Office will cease accepting patent-related correspondence addressed to the P.O. Box 2327 Arlington, VA 22202. Effective May 1, 2003, pursuant to 37 CFR 1.1, patent-related correspondence should have been addressed to Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450. Accordingly, as of May 1, 2003, the provisions of 37 CFR 1.8 (Certificate of Mailing) and 1.10 (Express Mail certificate) that were waived by the Office were no longer waived for correspondence addressed to P.O. Box 2327, Arlington, VA 22202.

In November of 2001, the Office established a Post Office Box in Arlington, Virginia (P.O. Box 2327, Arlington, VA 22202) for use on an emergency basis, and indicated that the Office would continue to accept patent-related correspondence at this Arlington, Virginia Post Office Box and treat such correspondence as if it were addressed as set forth in 37 CFR 1.1 for purposes of 37 CFR 1.8 and 1.10 until further notice. On March 25, 2003, the Office provided notice that persons submitting correspondence to the Office should no longer use the Arlington, Virginia Post Office Box for any correspondence (including sequence listings in electronic format) after May 1, 2003. See Correspondence with the United States Patent and Trademark Office, 68 Fed. Reg. 14332 (March 25, 2003).

Correspondence in patent-related matters to organizations reporting to the Commissioner for Patents must be addressed to:

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Appropriate mail stops should also be used. See the notice

titled "Special Mail Stops For Patent Mail" that is published each week in the Official Gazette Notices and posted on the USPTO Internet web site.

Questions regarding this notice may be e-mailed to PatentPractice@uspto.gov, or directed to the Inventors' Assistance Center (formerly the Patent Assistance Center (PAC)) by telephone at 800-786-9199 or 703-308-4357. **OG Notices: 29 June 2004**

# 10. MAILING AND HAND CARRY ADDRESSES FOR MAIL TO THE UNITED STATES PATENT AND TRADEMARK OFFICE

## MAIL TO BE DIRECTED TO THE COMMISSIONER FOR PATENTS

For most correspondence (e.g., new patent applications) no mail stop is required because the processing of the correspondence is routine. **If NO mail stop is included on the list below, no mail stop is required for the correspondence.** See the listing under "Special Mail Stops Applicable To Both Patent And Trademark Mail" for additional mail stops for patent-related correspondence. Only the specified type of document should be placed in an envelope addressed to one of these special mail stops. If any documents other than the specified type identified for each special mail stop are addressed to that mail stop, they will be significantly delayed in reaching the appropriate area for which they are intended. The mail stop should generally appear as the first line in the address.

Petitions for a foreign filing license may be faxed to: 703-305-7658.

Some correspondence may be submitted electronically. See the Office's Internet Web site <http://www.uspto.gov> for additional information.

Please address mail to be delivered by the United States Postal Service (USPS) as follows:

Mail Stop \_\_\_\_\_  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

If no Mail Stop is indicated below, the line beginning Mail Stop should be omitted from the address. Effective January 14, 2005, except correspondence for Maintenance Fee payments, Deposit Account Replenishments (see 1.25(c)(4)), and Licensing and Review (see 37 CFR 5.1(c) and 5.2(c)), please address correspondence to be delivered by other delivery services (Federal Express (Fed Ex), UPS, DHL, Laser, Action, Purolater, etc.) as follows:

U.S. Patent and Trademark Office  
Customer Window, Mail Stop \_\_\_\_\_  
Randolph Building  
Alexandria, VA 22314

## Mail Stop Designations

## Explanation

Mail Stop 12	Contributions to the Examiner Education Program.
Mail Stop 313(c)	Petitions under 37 CFR 1.313(c) to withdraw a patent application from issue after payment of the issue fee and any papers associated with the petition, including papers necessary for a continuing application or a request for continued examination (RCE).
Mail Stop AF	Amendments and other responses after final rejection, other than an appeal brief.
Mail Stop Amendment	Information disclosure statements, drawings, and replies to Office actions in patent applications with or without an amendment to the application or a terminal disclaimer. (Use Mail Stop AF for replies after final rejection.).
Mail Stop Appeal Brief- Patents	For appeal briefs or other briefs under part 41 of title 37 of the Code of Federal Regulations (e.g., former 37 CFR 1.192).
Mail Stop Comments- Patents	Public comments regarding patent related regulations and procedures.
Mail Stop Conversion	Requests under 37 CFR 1.53(c)(2) to convert a nonprovisional application to a provisional application and requests under 37 CFR 1.53(c)(3) to convert a provisional application to a nonprovisional application.
Mail Stop DD	Disclosure Documents or materials related to the Disclosure Document Program. (A disclosure document is NOT an information disclosure statement.) Instead of filing a disclosure document, inventors are encouraged to file a provisional patent application.
Mail Stop EBC	Mail for the Electronic Business Center including: Certificate Action Forms, Request for Customer Numbers, and Requests for Customer Number Data Change (USPTO Forms PTO-2042, PTO/SB/124A and 125A, respectively) and Customer Number Upload Spreadsheets and Cover Letters.
Mail Stop Expedited Design	Only to be used for the initial filing of design applications accompanied by a request for expedited examination under 37 CFR 1.155. (Design applicants seeking expedited examination may alternatively file a design application and corresponding request under 37 CFR 1.155 by hand-delivering the application papers and request directly to the Design Group Director's office.)
Mail Stop Express Abandonment	Requests for abandonment of a patent application pursuant to 37 CFR 1.138, including any petitions under 37 CFR 1.138(c) to expressly abandon an application to avoid publication of the application. (This new mail stop should be used instead of Mail Stop PGPUB- ABD. Applicants are encouraged to transmit the requests by facsimile to (703) 305-8568.)
Mail Stop ILS	Correspondence relating to international patent classification, exchanges and standards.



**Mail Stop Issue Fee**

All communications following the receipt of a PTOL-85, "Notice of Allowance and Fee(s) Due," and prior to the issuance of a patent should be addressed to Mail Stop Issue Fee, unless advised to the contrary.

Assignments are the exception. Assignments (with cover sheets) should be faxed to 703-306-5995, electronically submitted, or submitted in a separate envelope and be sent to Mail Stop Assignment Recordation Services, Director - U.S. Patent and Trademark Office as shown below.

**Mail Stop L&R**

All documents pertaining to applications subject secrecy order pursuant to 35 U.S.C. 181, or are national-security classified and required to be processed accordingly.  
Such papers may also be hand carried to:  
Technology Center 3600, Office of the Director  
2451 Crystal Drive, Room 3D07  
Arlington, VA 22202

**Mail Stop Missing Parts**

Requests for a corrected filing receipt and replies to OIPE notices such as the Notice of Omitted Items, Notice to File Corrected Application Papers, Notice of Incomplete Application, Notice to Comply with Nucleotide Sequence Requirements, and Notice to File Missing Parts of Application, and associated papers and fees.

**Mail Stop MPEP**

Submissions concerning the Manual of Patent Examining Procedure.

**Mail Stop Patent Ext.**

Applications for patent term extension and any communications relating thereto.

**Mail Stop PCT**

Mail related to international applications filed under the Patent Cooperation Treaty in the international phase and in the national phase under 35 U.S.C. 371 prior to mailing of a Notification of Acceptance of Application Under 35 U.S.C. 371 and 37 CFR 1.495 (Form PCT/DO/EO/903).

**Mail Stop Petition**

Petitions to be decided by the Office of Petitions including petitions to revive and petitions to accept late payment of issue fees or maintenance fees.

**Mail Stop PGPUB**

Correspondence regarding publication of patent applications not otherwise provided, including requests for early publication made after filing, rescission of non-publication request, corrected patent application publication, refund of publication fee.

**Mail Stop Post Issue**

In patented files: requests for changes of correspondence address,

	powers of attorney, revocations of powers of attorney, withdrawal of attorney and submissions under 37 CFR 1.501. Designation of, or changes to, a fee address should be addressed to Mail Stop M Correspondence. Requests for Certificate of Correction need no special mail stop, but should be made to the attention of Certificate of Correction Branch.
Mail Stop RCE	Requests for continued examination under 37 CFR 1.114.
Mail Stop Reconstruction	Correspondence pertaining to the reconstruction of lost patent files.
Mail Stop <i>Ex Parte</i> Reexam	Requests for Reexamination for original request papers <b>only</b> .
Mail Stop <i>Inter Partes</i> Reexam	Requests for <i>Inter Partes</i> Reexamination for <i>original</i> request papers <b>and</b> for all <i>subsequent</i> correspondence other than correspondence to the Office of the Solicitor (see 37 CFR §§ 1.1(a)(3) and 1.302(c)).
Mail Stop Reissue	All new and continuing reissue application filings.
Mail Stop Sequence	Submission of the computer readable form (CRF) for applications with sequence listings, when the CRF is not being filed with the patent application.

**MAIL TO BE DIRECTED TO THE COMMISSIONER FOR TRADEMARKS**

Please address trademark-related mail to be delivered by the United States Postal Service (USPS), except documents sent to the Assignment Services Division for recordation, requests for copies of trademark documents, and documents directed to the Madrid Processing Unit, as follows:

Commissioner for  
Trademarks  
PO Box 1451  
Alexandria, VA 22313-  
1451

Mail to be delivered by the USPS to the Office's Madrid Processing Unit, must be mailed to:

Commissioner for  
Trademarks  
PO Box 16471  
Arlington, VA 22215-  
1471  
Attention MPU

Trademark-related mail to be delivered by courier or by hand to the Trademark Operation, the Trademark Trial and Appeal Board, or the Office's Madrid Processing Unit, must be delivered to:

Trademark Assistance  
Center  
Madison East,  
Concourse Level Room  
C 55  
600 Dulany Street  
Alexandria, VA 22314

**MAIL TO BE DIRECTED TO THE DIRECTOR OF THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Please address mail to be directed to a mail stop identified below to be delivered by the United States Postal Service (USPS) as follows (unless otherwise instructed):

Mail Stop \_\_\_\_\_  
 Director of the US Patent and  
 Trademark Office  
 PO Box 1450  
 Alexandria, VA 22313-1450

<b>Mail Stop Designations</b>	<b>Explanation</b>
Mail Stop 3	Mail for the Office of Personnel from NFC
Mail Stop 6	Mail for the Office of Procurement.
Mail Stop 8	All papers for the Office of the Solicitor except communications relating to pending litigation and disciplinary proceedings; papers relating to pending litigation in court cases shall be mailed only to Office of the Solicitor, PO Box 15667, Arlington, VA 22215 and papers related to pending disciplinary proceedings before the Administrative Law Judge or the Director shall be mailed only to the Office of the Solicitor, PO Box 16116, Arlington, VA 22215.
Mail Stop 11	Mail for the Electronic Ordering Service (EOS).
Mail Stop 13	Mail for the Employee and Labor Relations Division.
Mail Stop 16	Mail related to refund requests, other than requests for refund of a patent application publication fee. Such requests should be directed to Mail Stop PGPub.
Mail Stop 17	Invoices directed to the Office of Finance.
Mail Stop 24	Mail for the Inventor's Assistance Program, including complaints about Invention Promoters.
Mail Stop 171	Vacancy Announcement Applications.
Mail Stop Assignment Recordation Services	All assignment documents, security interests, and other documents to be recorded in the Assignment records. Note that documents with cover sheets faxed to 703-306-5995 are processed much more quickly than those submitted by mail.
Mail Stop Congressional Relations	Mail for the Office of Congressional Relations (mail routed to Mail Stop 4 pursuant to 37 CFR 150.6 will be forwarded to Mail Stop Congressional Relations).
Mail Stop Document Services	All requests for certified or uncertified copies of patent or trademark documents.
Mail Stop EEO	Mail for the Office of Civil Rights.

Mail Stop Enforcement	Mail for the Office of Enforcement.
Mail Stop Interference	Communications relating to interferences and applications and patents involved in interference.
Mail Stop International Relations	Mail for the Office of International Relations.
Mail Stop M Correspondence	Mail to designate or change a fee address, or other correspondence related to maintenance fees, except payments of maintenance fees in patents. See below for the address for maintenance fee payments.
Mail Stop OED	Mail for the Office of Enrollment and Discipline.

**Maintenance Fee Payments**

Unless submitted electronically over the Internet at [www.uspto.gov](http://www.uspto.gov), payments of maintenance fees in patents should be mailed through the United States Postal Service to:

United States Patent and Trademark  
Office  
PO Box 371611  
Pittsburgh, PA 15250-1611

Alternatively, payment of maintenance fees in patents (Attn: Maintenance Fee) using hand-delivery and delivery by private courier may be made to:

Director of the United States Patent and  
Trademark Office  
Attn: \_\_\_\_\_  
One Crystal Park  
2011 Crystal Drive, Suite 307  
Arlington, Virginia 22202

**Deposit Account Replenishments**

To send payment to replenish deposit accounts, send the payments through the United States Postal Service to:

Director of the United States Patent and  
Trademark Office  
PO Box 70541  
Chicago, IL 60673

Alternatively, deposit account replenishments (Attn: Deposit Accounts) using hand-delivery and delivery by private courier may be delivered to:

Director of the United States Patent and  
Trademark Office  
Attn: \_\_\_\_\_  
One Crystal Park  
2011 Crystal Drive, Suite 307  
Arlington, Virginia 22202.

Questions regarding the information provided on this page should be directed to: Darnell Jayne, Legal Advisor in the Office of Patent Legal Administration, by telephone at (571) 272-7701 or by e-mail addressed to [PatentPractice@uspto.gov](mailto:PatentPractice@uspto.gov).

## 11. Patent Application Publications May Now Include Amendments

As a consequence of the use of Image File Wrappers (IFW), the United States Patent and Trademark Office (Office) has begun to publish patent applications with amendments that expedite the publication process. For example, the patent application publication may be based upon amendments to the specification that are reflected in a substitute specification, an amendment to the abstract, amendments to the claims that are reflected in a complete claim listing, and amendments to the drawings that are reflected in replacement drawing sheets, provided that such substitute specification or amendment is submitted in sufficient time to be entered into the application file wrapper before technical preparations for publication of the application have begun. Technical preparations for publication of an application generally begin between fourteen and nine weeks prior to the projected date of publication (the projected publication date is indicated on the filing receipt for the patent application). Accordingly, the provisions 37 CFR 1.215(a) are waived to the extent that they are inconsistent with this change in practice. 37 CFR 1.215(a) will be revised consistent with this change in practice, when the rule changes proposed in Changes To Support Implementation of the United States Patent and Trademark Office 21st Century Strategic Plan, 68 Fed. Reg. 53816 (Sept. 12, 2003), 1275 Off. Gaz. Pat. Office Notices 23 (Oct 7, 2003) are made final.

Although the Office has begun to include amendments in patent application publications, applicants desiring to ensure that a patent application publication reflects an amendment should submit the application, as amended, through the Electronic Filing System (EFS). See 37 CFR 1.215(c). See also Helpful Hints Regarding Publication of Patent Applications, 1249 Off. Gaz. Pat. Office Notices 83 (August 21, 2001). In addition, if the application is not maintained in an IFW, and the amended application is not submitted through EFS, a petition under 37 CFR 1.182 will continue to be necessary for certain drawings to be included in the patent application publication. See Manual of Patent Examining Procedure, Section 507 (8th ed. 2001, rev. 1, Feb. 2003).

General questions regarding publication of patent applications should be directed to the Customer Service Center, Office of Patent Publication, by telephone at (703) 305-8283. Questions regarding the Electronic Filing System should be directed to (703) 305-3028. Questions of a legal nature should be directed to the Office of Patent Legal Administration at (703) 308-6906. **OG Notices: 13 April 2004**

## 12. Oversized Postcards Must Be Submitted With Sufficient Postage

Recently, a number of return receipt postcards have been returned to the U.S. Patent and Trademark Office (Office) because the postcards contained insufficient postage for an oversized postcard. Oversized postcards require First-Class letter postage. Customers are reminded that they are solely responsible for placing the proper postage on self-addressed postcards that are submitted to the Office for the purpose of obtaining a receipt for correspondence being filed in the Office.

Customers should be aware of the following guidance from the USPS regarding postage and acceptability for postcards:

1. In order to be eligible for the First-Class Mail card rates (currently \$0.23 per card, domestic delivery), cards must be of uniform thickness and made of unfolded and uncreased paper or card stock of approximately the quality and weight of a Postal Service stamped card. Cards claimed at the First-Class postcard rate must be:

(a) Rectangular;

(b) No less than 3-1/2 inches high, 5 inches long, and 0.007 inch thick; and

(c) No more than 4-1/4 inches high, 6 inches long, and 0.016 inch thick.

2. Cards that measure more than 4-1/4 inches high, 6 inches long, or 0.016 inch thick are charged postage at the First-Class Mail letter rates.

3. Cards that measure less than 3-1/2 inches high, 5 inches long, and 0.007 inch thick are nonmailable.

Any return receipt postcard that does not contain sufficient postage or is not acceptable may not be delivered by the United States Postal Service (USPS) to the address provided on the postcard, and, if returned to the Office, may be discarded.

For information regarding the Office's postcard receipt practice in patent-related matters, see Manual of Patent Examining Procedure (MPEP) (8th Ed., Rev. 1, Feb. 2003), Section 503. Questions regarding sufficient postage for postcards should be directed to the

United States Postal Service. Questions regarding this notice may be e-mailed to PatentPractice@uspto.gov, or directed to the Inventors' Assistance Center by telephone at (800)786-9199, or (703)308-4357. **OG Notices: 29 June 2004**

**13. Relocation of Customer Service Windows for Patent-Related Correspondence;  
Establishment of Drop Box in South Tower for Certain Patent-Related Correspondence;**

**Hand Carry and Mailing Address for Trademark-Related Correspondence**

Effective January 14, 2005, a new Customer Service Window for patent-related correspondence will open at 8:30 a.m. at the USPTO Alexandria campus. The Customer Service Window (Lobby, Room 1B03) and the PCT Customer Service Window (8th floor) currently located at 220 20th Street South, Crystal Plaza Two, Arlington, VA 22202 will close at 12:00 midnight on January 13, 2005 and will be consolidated at the Alexandria campus.

**Customer Service Window for Patent-Related Correspondence** The location for the new Customer Service Window is on the first floor of the south side of the Randolph Building, with street level access from Ballenger Avenue. The specific hand carry or delivery address is: Customer Service Window Randolph Building 401 Dulany Street Alexandria, VA 22314 If the appropriate mail stop is known, the mail stop should also be included in the address. Documents for the Customer Service Window or the PCT Customer Service Window may be hand carried or delivered to the new Customer Service Window at the above Alexandria address on or after January 14, 2005. No application numbers will be assigned by window staff at the time of delivery. Hours of Operation will be 8:30 a.m. through 12 midnight, Monday through Friday, except holidays and if the USPTO is closed for inclement weather or an emergency.

**Drop Box in South Tower for Certain Patent-Related Correspondence** Additionally, a satellite drop location will be established in the lobby of the South Tower building in Crystal City (2900 Crystal Drive, Arlington, Virginia), effective January 14, 2005. This location will not be staffed but will be monitored by the building guard. Applications and application-related papers may be left at this location during the hours of 8:30 a.m. and 7:00 p.m., Monday through Friday, except holidays and if the USPTO is closed for inclement weather or an emergency. The guard will not allow materials to be left except during those hours. No postcard receipts will be stamped at time of drop off, nor will the guard answer any processing questions. Materials will be retrieved periodically throughout the day and taken to the appropriate location for processing.

**Other Information Regarding Patent-Related Correspondence** The new customer service window and new drop box must not be used for correspondence that is required to be mailed to post office boxes other than P.O. Box1450, Alexandria, VA 22313-1450, filed by facsimile, filed electronically, or hand-delivered to a different address. PCT customer service offices will provide file inspection for files located in PCT PALM locations. The PCT file inspection location is Room 4A22, 2900 Crystal Drive, Arlington,

Virginia (South Tower). Customers should call 703-305-3165 in advance to make arrangements to inspect a file. Requests to inspect files located in OIPE PALM locations should be directed to the File Information Unit (FIU) at 703-308-2733. The FIU is located in Room 2E04, 2900 Crystal Drive, Arlington, Virginia (South Tower). Patent-related correspondence sent through the United States Postal Service should continue to be directed to the addresses set forth in 37 CFR 1.1 (revised effective September 13, 2004) (e.g., P.O. Box 1450, Alexandria, VA 22313-1450).

**Hand Delivery and Mailing Address for Trademark-Related Correspondence** Use of any patent boxes for trademark-related correspondence is strongly discouraged, and may result in delayed processing. Most trademark-related correspondence, including Madrid Protocol-related correspondence, may be filed electronically using the Trademark Electronic Application System (TEAS), at [www.uspto.gov](http://www.uspto.gov). The USPTO prefers that filers use TEAS where possible. Trademark-related correspondence also may be hand-delivered to the Trademark Assistance Center (TAC) located at:

Trademark Assistance Center  
James Madison Building - East Wing  
Concourse Level  
600 Dulany Street  
Alexandria, VA 22314

Hand deliveries of Madrid Protocol-related correspondence should also include the notation "Attention: MPU". Hours of operation for TAC are 8:30 a.m. - 5:00 p.m. Monday through Friday, except holidays or days the USPTO is closed for inclement weather or emergency. Trademark-related correspondence sent through the United States Postal Service, except documents sent to the Assignment Services Division for recordation, requests for copies of trademark documents, and documents filed under the Madrid Protocol, should be mailed to: Commissioner for Trademarks

P.O. Box 1451  
Alexandria, VA 22313-1451

Madrid Protocol-related documents sent through the United States Postal Service should be mailed to:

Commissioner for Trademarks  
P.O. Box 16471  
Arlington, VA 22215-1471  
Attn: MPU

Questions regarding this notice may be e-mailed to [PatentPractice@uspto.gov](mailto:PatentPractice@uspto.gov), or directed to the Inventors' Assistance Center (formerly the Patent Assistance Center (PAC)) by telephone at (800)786-9199, or (703)308-4357.



### ***Response to Arguments***

14. Applicant's arguments filed January 24, 2005 have been fully considered but they are not persuasive.

Applicant's attorney states "*Applicant has amended the independent claims to more clearly recite that a calling function is utilized to provide location information based on when a tracked position has not violated boundary conditions.*" Applicant's attorney's argument does not comply with 37 CFR 1.111(c) because they do not clearly point out the patentable novelty which applicants think the claims present in view of the state of the art disclosed by the references cited or the objections made. Further, they do not show how the amendments avoid such references or objections.

### ***Conclusion***

**15. Replacement Notice: Copies of Patent Application Records will be Provided in both Electronic and Paper Form**

The Official Gazette notice, published on August 24, 2004 entitled "*All Electronic Copies of Patent Application Records Will Now Be Provided as Certified Copies in Electronic Form*" (1285 Off. Gaz. Pat. Off, August 24, 2004) is hereby rescinded. The USPTO is reinstating, until further notice, the procedures in effect prior to July 30, 2004 for providing certified copies of patent application records with paper certification statements. The USPTO will also offer electronic certified copies of patent application records at the requester's option.

#### **Certified Copies with Paper Certification**

Unless otherwise requested, certified copies of patent application records provided pursuant to 37 CFR 1.19 (b) will be produced with a paper certification statement, continuing the practice in effect prior to July 30, 2004. The certification statement will include an embossed seal and original signature.

### **Certified Copies with Electronic Certification**

Customers ordering certified copies of patent applications as filed or patent-related file wrapper and contents of published applications from the USPTO website will have the option to choose electronic copies with electronic certification. These files include an imaged certification statement as part of a PDF file containing the document TIFF images. These electronic files are digitally signed by the USPTO for authenticity and integrity, and cannot be undetectably modified. Customers may choose to download these electronic files from the USPTO website or receive them on compact disc.

### **Paris Convention for the Protection of Industrial Property and Priority**

Irrespective of whether the USPTO provides a paper certified copy or an electronic certified copy, Article 4(d)(3) of the Paris Convention prohibits any country that is a member of the convention from requiring further authentication of the certified copy for purposes of claiming priority under the Paris Convention. (The text of the Paris Convention and a list of its members are available at [www.wipo.int/treaties/en/ip/paris/index.html](http://www.wipo.int/treaties/en/ip/paris/index.html).)

The USPTO is working with other intellectual property offices to encourage the acceptance of priority documents in electronic form with electronic certification. A list of offices and international intellectual property organizations that have agreed to accept electronic certified copies will be posted on the USPTO website soon, and updated regularly.

Questions should be directed to the Office of Public Records by email to [opr@uspto.gov](mailto:opr@uspto.gov) or by telephone at (703) 308-9743.

16. If applicants wish to request for an interview, an "*Applicant Initiated Interview Request*" form (PTOL-413A) should be submitted to the examiner prior to the interview in order to permit the examiner to prepare in advance for the interview and to focus on the issues to be discussed. This form should identify the participants of the interview, the proposed date of the interview, whether the interview will be personal, telephonic, or video conference, and should include a brief description of the issues to be discussed. A copy of the completed "*Applicant Initiated Interview Request*" form should be attached to the Interview Summary form, PTOL-413 at the completion of the interview and a copy should be given to applicant or applicant's representative.

17. If applicants request an interview after this **final rejection**, prior to the interview, the intended purpose and content of the interview should be presented briefly, in writing. Such an interview may be granted if the examiner is convinced that disposal or clarification for appeal may be accomplished with only nominal further consideration. Interviews merely to **restate arguments** of record or to **discuss new limitations** which would require more than nominal reconsideration or new search will be denied.

**18. Consolidated Appropriations Act, 2005 enacted on December 8, 2004**

H.R. 4818, the Consolidated Appropriations Act, 2005 (Consolidated Appropriations Act) was signed by President George W. Bush and enacted into law on December 8, 2004. The Consolidated Appropriations Act revises certain patent application and maintenance fees; provides separate fees for a basic filing fee, a search fee, and an examination fee; and requires an additional fee for any patent application whose specification and drawings exceed 100 sheets of paper (application size fee). The new patent fees are now effective and will remain in effect during the remainder of fiscal year 2005 and during fiscal year 2006. The patent maintenance fee changes apply to any maintenance fee payment made on or after December 8, 2004, regardless of the filing or issue date of the patent for which the fee is submitted. The revised maintenance fees took effect on December 8, 2004. Thus, any maintenance fee paid at any time on (or after) December 8, 2004 is subject to the revised maintenance fee amounts set forth in the Consolidated Appropriations Act.

**Note: If you are paying via the USPTO's Internet Web site, there will likely be a delay in updating the maintenance-fee information on the USPTO's Office of Finance On-Line Shopping Web page. Therefore, if paying on-line, please refer to the updated fee schedule to ensure that you include the appropriate updated fee amount. Maintenance fees must be timely paid in the appropriate amount to avoid expiration of a patent.**

The new basic filing fee (or national fee), search fee, examination fee, and application size fee apply to national patent applications (other than provisional applications) filed on or after December 8, 2004, and to international patent applications in which the basic national fee is paid on or after December 8, 2004. The new provisional application filing fee applies to any provisional application filing fee paid on or after December 8, 2004. The filing fee (or national fee), search fee, and examination fee are due on filing. If the filing fee (or national fee) is paid on filing, but the search fee and/or examination fee is missing, the USPTO will issue a notice requiring that any missing search fee and examination fee (but no surcharge until further notice) be paid within a specified period of time in order to avoid abandonment. Thus, if at least the full basic filing fee under the Consolidated Appropriations Act is paid on or after December 8, 2004, the USPTO will issue a notice requiring any balance of the search fee and the examination fee (but no surcharge).

The remaining patent application fee changes, including the excess claims fees, extension of time fees, and appeal fees, apply to any fee payment made on or after December 8, 2004, regardless of the filing date of the application for which the fee is submitted.

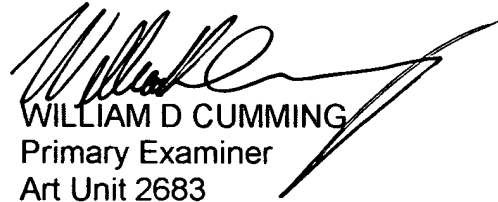
USPTO customers should monitor the USPTO's Internet Web site frequently for current patent fee information.

Payments from foreign countries must be payable and immediately negotiable in the United States for the full amount of the fee required.

19. Any inquiry concerning this communication or earlier communications from the examiner should be directed to WILLIAM D CUMMING whose telephone number is 703-305-4394. The examiner can normally be reached on Monday-Thursay 10:30am to 8:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, WILLIAM TROST can be reached on 703-308-5318. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

20. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
WILLIAM D CUMMING  
Primary Examiner  
Art Unit 2683

Wdc



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PATENT AND  
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